

## CHAPTER 1

# Introduction

### Background

At their last summit in Harare, Zimbabwe, in October 1991, Commonwealth Heads of Government gave a mandate to the Commonwealth Secretary-General to visit South Africa and explore with the principal parties concerned ways in which the Commonwealth could assist in lending momentum to the negotiating process. In July 1992, during his third such trip to that country, the Secretary-General proposed to the Government and principal parties that a multidisciplinary team of Commonwealth experts provide practical assistance to arrest the ongoing violence, which had emerged as the key impediment to negotiations.

Soon after a United Nations Security Council debate on the issue and a visit to South Africa by Cyrus Vance on behalf of the United Nations Secretary-General, the United Nations Security Council adopted Resolution 772 on 17 August 1992. This Resolution:

- Authorised the United Nations Secretary-General to deploy, as a matter of urgency, United Nations observers in South Africa 'in such a manner and in such numbers as he determines necessary, to address effectively the areas of concern noted in his report, in co-ordination with the structures set up under the National Peace Accord'.
- Identified as areas of concern 'hostels, dangerous weapons, the role of the security forces and other armed formations, the investigation and prosecution of criminal conduct, mass demonstrations and the conduct of political parties'.
- Invited other 'international organisations, such as the Organisation of African Unity, the Commonwealth and the European Community, to consider deploying their own observers in South Africa in co-ordination with the United Nations and the structures set up under the National Peace Accord'.

Thereafter, the Commonwealth Secretary-General quickly constituted the Commonwealth Observer Mission to South Africa (COMSA). This group arrived in South Africa on 18 October 1992, two days after being briefed by the Secretary-General in London.

## Composition

In line with his original proposal, the Secretary-General invited member governments to nominate for the first phase of this mission (from October 1992 to January 1993) experts in a variety of relevant fields, including legal and judicial experts and persons with backgrounds in law enforcement, criminology, diplomacy, politics and community relations. The Secretary-General appointed Justice Austin Amisah, a former Attorney-General and Justice of Appeal in Ghana who is now serving as the President of the Botswana Court of Appeal, to chair COMSA. This he did from its arrival until December 1992, when due to prior commitments he had to leave. Professor Duncan Chappell, Director of the Australian Institute of Criminology and a Deputy President of the Australian Federal Administrative Appeals Tribunal, took over as Chairperson of COMSA for the remaining period. Dr Simbi Mubako, a law professor and former Minister of Justice and of Home Affairs in Zimbabwe, served as deputy Chairperson and spokesperson of the COMSA team at its regional office in Durban. Also included in the COMSA group were: a former Commissioner and a former Deputy Commissioner of the Royal Canadian Mounted Police; a former Assistant Commissioner of Police in New Zealand; a serving Chief Superintendent heading the Police/Community Relations Department at Scotland Yard in Britain; a serving Superintendent of Police from Malaysia; a lawyer and senator from the Bahamas; a lawyer and former Member of Parliament from India; a former General of the Nigerian Army; and a serving Major of the Botswana Defence Force. The observers were supported by a team of six Commonwealth Secretariat staff, led by the Director of the International Affairs Division, Max Gaylard. A full list of the COMSA members who participated in the first phase of this mission is at *Annex I*.

## Mandate of the Mission

During his briefing on 16 October 1992, the Secretary-General stressed that:

- In accordance with United Nations Resolution 772 of 17 August 1992, the Commonwealth mission would collaborate with the United Nations Observer Mission to South Africa (UNOMSA) and other international observers, and would co-ordinate closely with the National Peace Secretariat and other structures established under the National Peace Accord.
- Within that framework, however, the Commonwealth Group would retain its separate identity, reporting to the Commonwealth Secretary-General directly on all its work in South Africa. The Commonwealth Secretary-General stressed that each member of the Group would be serving in an individual capacity, and would be expected to make observations and judgments which reflected this independence.
- It was of crucial importance that the observers acted impartially and even-handedly in their dealings with all persons and organisations in South Africa.

At the end of the first phase of the mission (mid-January 1993), the Secretary-General would review the Commonwealth's role. This Report is a summary of the activities and observations of COMSA during this first phase.

## Deployment

Due to the relatively small size of the COMSA group (12 observers and six Secretariat staff), COMSA concentrated on the two regions of South Africa worst affected by the violence: the Pretoria-Witwatersrand-Vaal (PWV) area and Natal. COMSA also made four trips to the Border/Ciskei area, where tensions between the African National Congress and the Ciskei administration following the Bisho massacre of 7 September 1992 had led to a spiral of violence that threatened to become a new 'flashpoint'.

## Activities

In these areas, COMSA members focused on specific activities, where their particular range of police, military, legal, diplomatic and negotiating skills could be applied to optimum effect. In practical terms, the mission:

- Met with a wide variety of political parties, organisations and interest groups, including State President FW de Klerk and several government ministers; African National Congress (ANC) President Nelson Mandela; Pan-Africanist Congress (PAC) President Clarence Makwetu; Inkatha Freedom Party (IFP) leader Chief Mangosuthu Buthelezi; leaders of KaNgwane, Ciskei, Transkei, QwaQwa, Lebowa and KwaNdebele; senior officials of the Bophuthatswana administration; representatives of the Democratic Party, Conservative Party and Azanian People's Organisation (AZAPO); church groups; trade unions; and civic organisations and a variety of other non-governmental groups. In these meetings, COMSA sought primarily to listen to the views of those engaged in shaping the political future of the country, as well as to convey its deeply held view that violence in South Africa could not be effectively resolved as long as the political stalemate continued.
- Discussed with a wide range of experts at the University of South Africa (UNISA), University of Cape Town, University of the Western Cape and other specialist research bodies like the Human Sciences Research Council, the state of violence in South Africa and its causes and their views on ways of bringing this violence to an end.
- Attended and observed proceedings at political rallies, demonstrations, funerals and other public gatherings, with a view to helping pre-empt violence on such occasions.
- Acted to reinforce the work of the structures set up under the National Peace Accord – including the National Peace Committee, National

Peace Secretariat, Regional and Local Dispute Resolution Committees and the Goldstone Commission – through regular and visible attendance at their public functions, responding to requests for expertise and, where appropriate, playing a facilitative role.

- Established and developed channels of communication with the South African Police (SAP) and South African Defence Force (SADF) with a view to being able to provide constructive advice and assistance as appropriate. In the case of the SAP, COMSA found, and responded to a huge demand for expert advice in the field of police/community relations, through regular contact with senior officials, attendance and presentations at training seminars and contacts with the newly established Police Board.
- Acquainted itself with, and supported initiatives to help overcome the socio-economic causes of violence, including visits to several hostels and squatter camps, and discussions with relevant officials and community leaders on these issues.
- Liaised with the United Nations and other international observers, with a view to maximising the impact of the limited resources available in helping to arrest the violence.

The following chapters describe these key areas of activity in greater detail and the perceptions gained from them. They also offer some conclusions from COMSA's first phase of activity in South Africa.